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E.S. WEST COAST, LLC,  
ENERGY SYSTEMS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

THOMAS R. KELLY

Plaintiff,

v.

WORTH HOLDINGS, LLC; E.S. WEST  
COAST, LLC individually and doing  
business as ENERGY SYSTEMS and DOES  
1-20,

Defendants.

) Case No.: 3:17-cv-02466-EMC

) Action Filed: March 28, 2017

) **STIPULATION TO EXTEND DEADLINE TO**  
) **COMPLETE SETTLEMENT CONFERENCE**  
) **AND [PROPOSED] ORDER**

) Trial Date: January 14, 2019  
) Courtroom: 5, 17th Floor  
) Judge: Hon. Edward M. Chen

1 Plaintiff Thomas R. Kelly (“Plaintiff” or “Mr. Kelly”) and Defendants E.S. West Coast, LLC dba  
2 Energy Systems (“E.S. West Coast”) and Worth Holdings, LLC (“Worth Holdings”) (collectively  
3 referred to as “Defendants”) hereby submit this Joint Stipulation to Extend the Deadline to Complete  
4 Mediation, and the Proposed Order.

5 On April 24, 2018, the Parties were ordered to complete a settlement conference before July  
6 25, 2018. On April 30, 2018, the Court set a telephonic Scheduling Conference on May 4, 2018 to  
7 set a date for the Scheduling Conference. Parties were to communicate with their clients regarding  
8 availability before the telephone conference and must provide firm dates which they and their clients  
9 could attend. On May 4, 2018, the Parties’ attorneys appeared by telephone before United States  
10 Magistrate Judge Sallie Kim. Following discussion, the Parties agreed to July 6, 2018 as the  
11 settlement conference date. Subsequently, Defendants advised they were not available for July 6,  
12 2018. The Parties then met and conferred to find additional dates to provide to the Court.

13 Several scheduling conflicts necessitate extending the deadline to complete the settlement  
14 conference beyond July 25, 2018. Specifically, Magistrate Judge Sallie Kim is in trial from July 10th  
15 through July 13th, is out on the weeks of July 16 and 23 and has her weekly calendar on Mondays, so  
16 she is unavailable on May 21, June 4, June 11, June 18, June 25, July 2, July 9, July 30, and August  
17 6; of the dates when Judge Kim is available, Plaintiff and his counsel Michael Miller are available on  
18 July 11, July 13, July 30, August 2 and August 7, 2018 ; a key decision-maker from E.S. West  
19 Coast, LLC will be on vacation throughout the week of the Fourth of July; and Defense counsel  
20 has preexisting depositions that week as well; Defense counsel is also scheduled to begin a 7 to 10  
21 day trial on July 16th; and.

22 Based on all of these scheduling conflicts, Judge Kim has rescheduled the settlement  
23 conference to August 7, 2018. Therefore, the Parties request an extension on the deadline to  
24 complete the Court ordered settlement conference from July 25, 2018 to August 7, 2018.

25 By signing this Stipulation to Extend the Deadline to Complete the Settlement Conference  
26 and [Proposed] Order, the counsel for each party listed below concur in its filing. This document is  
27 being filed through the Electronic Case Filing system by attorney Michael G. Miller. By his  
28

signature, he attests that Plaintiff has obtained concurrence in the filing of this document from each counsel signing the stipulation, pursuant to Civil Local Rule 5-1.

DATED: May 30, 2018

PERRY, JOHNSON, ANDERSON,  
MILLER & MOSKOWITZ, LLP

KAUFMAN DOLOWICH  
& VOLUCK, LLP

/s/ Michael G. Miller

Michael G. Miller

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THOMAS R. KELLY

/s/ Brandon Kahoush

Brandon Kahoush

Attorneys for Defendants  
WORTH HOLDINGS, LLC, E.S. WEST  
COAST, LLC, ENERGY SYSTEMS

**[PROPOSED] ORDER**

The above STIPULATION TO EXTEND THE DEADLINE TO COMPLETE SETTLEMENT CONFERENCE & PROPOSED ORDER is approved this case and all parties shall comply with its provisions. [In addition, the Court makes the further orders stated below:]

IT IS SO ORDERED.

DATED: May 31, 2018

